



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

MISC. CIVIL APPLICATION NO.487 OF 2025

Priyanka w/o Arvind Hattikar

..vs..

Arvind s/o Ashok Hattikar

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms Sakshi Pathak, Advocate for the applicant (appointed.)

CORAM: PRAVIN S. PATIL, J.

DATED : 10/10/2025.

Despite service of notice and though the opportunity of hearing was granted to the non-applicant, none appeared for the non-applicant in the matter.

2. Heard the learned Counsel for the applicant.

3. By this application the applicant is seeking transfer of the proceedings bearing Hindu Marriage Petition No.139 of 2024 from the file of Civil Judge Senior Division, Yavatmal to Civil Judge, Senior Division, Wardha.

4. It is the submission of the present applicant that she has already filed the proceeding before the Chief Judicial Magistrate, Wardha under the provisions of the Protection of Women From Domestic Violence Act, 2005 bearing Misc. Criminal Application No. 182/2024.

5. According to the applicant, the non-applicant is already attending the proceeding at Wardha. In addition to the above, applicant states that she is having a child of four years old, and therefore, it will be difficult for her to attend the proceedings at Yavatmal.

6. According to the applicant, only to give the

counter blast to the proceedings, the non-applicant has filed the proceeding under Section 9 of the Hindu Marriage Act for restitution of conjugal rights. Hence, for all these reasons, it is the submission of the applicant that proceedings filed at Yavatmal deserves to be transferred to the Court at Wardh.

7. The applicant has relied upon the judgment of the Hon'ble Supreme Court in the case of ***N.C.V. Aishwarya vs. A.S. Saravana Karthik Sha 2022 LiveLaw (SC) 627.*** Wherein the Hon'ble Supreme Court has observed in paragraph 9 and 10, which read thus :

“9.The cardinal principle for exercise of power under Section 24 of the Code of Civil Procedure is that the ends of justice should demand the transfer of the suit, appeal or other proceeding. In matrimonial matters, wherever Courts are called upon to consider the plea of transfer, the Courts have to take into consideration the economic soundness of both the parties, the social strata of the spouses and their behavioural pattern, their standard of life prior to the marriage and subsequent thereto and the circumstances of both the parties in eking out their livelihood and under whose protective umbrella they are seeking their sustenance to life. Given the prevailing socio-economic paradigm in the Indian society, generally, it is the wife's convenience which must be looked at while considering transfer.

10. Further, when two or more proceedings are pending in different Courts between the same parties which raise common question of fact and law, and when the decisions in the cases are interdependent, it is desirable that they should be tried together by the same Judge so as to avoid multiplicity in trial of the same issues and conflict of decisions.”

8. Considering the above said factual as well as legal position, I am of the opinion that the applicant will cause inconvenience in the matter and non-applicant, who has

already attending the proceeding at Wardha can also attend the proceeding at Wardha.

9. Hence, for the above said reasons, the application deserves to be allowed. Hence, I proceed to pass the following order :

- (a) The Misc. Civil Application is allowed.
- (b) The Marriage Petition No.139/2024 pending before the Civil Judge, Senior Division, Yavatmal is hereby transfer to the Court of Civil Judge, Senior Division, Wardha.
- (c) Civil Judge, Senior Division, Yavatmal to transfer the R & P of the said proceedings to the Civil Judge, Senior Division, Wardha.

10. Fees of the appointed Counsel be paid as per Rules.

11. The Misc. Civil Application stands disposed of accordingly.

(PRAVIN S. PATIL, J.)

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